§ 8216. Exemptions; waiver. (1) A person who is validly registered as a "specialist's assistant-acupuncture" in accordance with section sixty-five hundred forty-one of this chapter and the commissioner's regulations shall not be subject to the provisions of this article;

(2) Any person who is validly licensed under the provisions of the former chapter nine hundred fifty-nine of the laws of nineteen hundred seventy-four is deemed to be licensed pursuant to this article;

(3) Any person who is validly certified under the provisions of the former chapter nine hundred fifty-nine of the laws of nineteen hundred seventy-four shall continue to be certified to practice acupuncture and may continue to use the title certified acupuncturist. The department may establish rules and regulations providing for the certification of physicians and dentists as acupuncturists, provided that such certified acupuncturists do not represent themselves as licensed acupuncturists. Certified acupuncturists seeking to become licensed acupuncturists shall be subject to all provisions of this article;

(4) A person who does not otherwise possess the credentials or qualifications required for the practice of acupuncture prescribed by this article or the regulations promulgated hereunder or any other law but who is authorized by the division of alcoholism and alcohol abuse, the division of substance abuse services, or the department of health to provide treatment for alcoholism, substance dependence, or chemical dependency in a hospital or clinical program which has been approved for such treatment by the division of alcoholism and alcohol abuse, the division of substance abuse services, or the department of health and who has been trained to practice acupuncture for the treatment of alcoholism, substance dependence, or chemical dependency through an educational program acceptable to the education department may nevertheless practice acupuncture provided such practice is limited to the treatment of alcoholism, substance dependence, or chemical dependency in such clinical or hospital programs, or in a program that if statutorily exempt from such approval meets standards approved by the division of alcoholism and alcohol abuse, the division of substance abuse services, or the department of health, and further provided that such practice is done in accordance with regulations promulgated by the division of alcoholism and alcohol abuse, the division of substance abuse services, or the department of health. Such person shall work only

under the general supervision of a physician or dentist certified to practice acupuncture or an individual licensed to practice acupuncture in the state of New York pursuant to this article. Notwithstanding any other law, rule or regulation to the contrary, persons authorized on or before the effective date of this article to practice acupuncture for the treatment of alcoholism, substance dependence, or chemical dependency within a hospital or clinical program which has been approved for such treatment by the division of alcoholism and alcohol abuse, the division of substance abuse services, or the department of health may nevertheless continue to practice acupuncture under the provisions of this subdivision;

(5) Any person who is pursuing qualification for licensure through a course of formal study pursuant to this article may practice acupuncture without a license, provided such practice is limited to such study;

(6) Any person who has completed a formal course of study or a tutorial apprenticeship acceptable to the department and in accordance with the commissioner's regulations, prior to the effective date of this article, and presents satisfactory proof of such completion, shall be exempt from the education requirements set forth in subdivision two of section eighty-two hundred fourteen of this article provided an application pursuant to subdivision one of section eighty-two hundred fourteen of this article is filed with the department not later than one year from the effective date of this article, and in no event shall participation in such tutorial apprenticeship or formal course of study constitute a violation of this chapter.

(7) Any person who is pursuing qualification for certification through a formal course of study in a registered program and any person appointed to the faculty of such program may practice acupuncture without a license, provided that such practice is limited to such research, study and training.

(8) Any person who is licensed and in good standing to practice acupuncture in another state or country may practice acupuncture in this state without a license solely for the purpose of conducting clinical training, practice demonstrations or clinical research that is within the practice of acupuncture in connection with a program of basic clinical education, graduate education, or post-graduate education in an approved school of acupuncture or in its affiliated clinical facility or

health care agency, or before a group of licensed acupuncturists who are members of a professional society. Any person practicing acupuncture in New York state pursuant to this subdivision shall be subject to the personal and subject matter jurisdiction and disciplinary and regulatory authority of the board of regents as if he or she is a licensee and as if the exemption pursuant to this subdivision is a license. Such individual shall comply with the provisions of this article, the rules of the board of regents, and the regulations of the commissioner, relating to professional misconduct, disciplinary proceedings and penalties for professional misconduct.